



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU REMINDS LICENSEES IN THE 3650-3700 MHZ BAND WIRELESS BROADBAND SERVICE AND 3550-3650 MHZ BAND NON-FEDERAL RADIOLOCATION SERVICE OF REQUIREMENTS FOR CONSTRUCTION AND OPERATION

GN Docket No. 12-354

On April 17, 2015, the Commission Adopted a *Report and Order and Second Further Notice of Proposed Rulemaking (3.5 GHz Order)* that established a new Citizens Broadband Radio Service in the 3550-3700 MHz band (3.5 GHz Band).¹ As noted in the *3.5 GHz Order*, other non-federal services – including wireless broadband services in the 3650-3700 MHz band and non-federal radiolocation services in the 3550-3650 MHz band – are currently licensed in the 3.5 GHz Band.² This *Public Notice* is a reminder to licensees in these services of their rights and responsibilities regarding the operation of registered stations.

3650-3700 MHz Wireless Broadband Service. In the *3.5 GHz Order*, the Commission adopted rules that will protect “grandfathered” 3650-3700 MHz band licensees from harmful interference from Citizens Broadband Radio Service users for a fixed transition period.³ Specifically, “grandfathered” licensees will be protected from harmful interference within a contour around base or fixed stations only if: (1) the stations were registered in the Commission’s Universal Licensing System (ULS) on or before April 17, 2015; and (2) as of a year later (April 17, 2016) the stations are constructed, in service, and fully compliant with the relevant operating rules.⁴ Consistent with the *3.5 GHz Order*, the operative terms are defined as:⁵

Registered – fixed and base stations that have been properly registered with ULS.

Constructed – all infrastructure is in place and operational, including siting, FCC-certified radio equipment, backhaul, power, etc.

In service – network provides ongoing service to unaffiliated, paying subscribers (*e.g.*, broadband service from a Wireless Internet Service Provider) or for bona fide private uses (*e.g.*,

¹ See Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band, GN Docket No. 12-354, *Report and Order and Second Further Notice of Proposed Rulemaking*, 30 FCC Rcd 3959 (2015) (*3.5 GHz Order*).

² *Id.* at 3965-66, ¶¶ 17, 19.

³ *Id.* at 4071-80, ¶¶ 387-412.

⁴ 47 C.F.R. § 90.1338. WTB will release a public notice seeking comment on an appropriate method for determining the protected contours for grandfathered 3650-3700 MHz band licensees. See *3.5 GHz Order*, 30 FCC Rcd at 4077, ¶ 404.

⁵ *3.5 GHz Order*, 30 FCC Rcd at 4077, ¶ 403.

utility networks, network backhaul).

Compliance – in compliance with all applicable FCC rules (or operating pursuant to a waiver of those rules).

As noted in the *3.5 GHz Order*, the Commission intends “to distinguish between ‘real’ networks that have received substantial investment and provide socially productive service from ‘paper networks’ whose only effect is to restrict spectrum accessible by the Citizens Broadband Radio Service.”⁶ As such, to determine whether those stations that have been registered in ULS on or before April 17, 2015 qualify for protection, the Commission may require licensees to provide evidence showing that the conditions have been met.

Non-Federal Radiolocation Service. In the *3.5 GHz Order*, the Commission removed the allocation for the non-federal radiolocation services in the 3550-3650 MHz band.⁷ However, licensees operating pursuant to licenses granted before the effective date of the rules would be allowed to continue using the service *on a secondary basis* through the end of their equipment’s useful life.⁸ Licensees are reminded that their operations must not interfere with any other authorized operations in the band, including Citizens Broadband Radio Service users, and that they must accept interference from all primary services, including Citizens Broadband Radio Service users.

For additional information, please contact Paul Powell, Attorney Advisor, Wireless Telecommunications Bureau, Mobility Division at paul.powell@fcc.gov or (202) 418-1613.

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⁶ *Id.* at 4077, ¶¶ 402.

⁷ *Id.* at 3974, ¶ 40.

⁸ *See* 47 C.F.R. § 2.106, note US105.